

The Contradiction of Florida Statute §768.21(8): A Legal Exception to the Value of Human Life

My name is Philip Glickstein. I am the Personal Representative for the Estate of Wynelle Glickstein, my deceased mother. For the past five years, I have sought justice through the various State Agencies in Florida to hold accountable the medical licensee whose negligent conduct led to the untimely death of my mother on May 20th, 2020. What follows is my petition to the Florida State Legislature, in which I seek a remedy for a grievance on behalf of my late mother.

Human civilization is built upon the principle that life is sacred. Across time, cultures, and legal traditions, the protection of human life has been paramount. The mere act of taking a life is universally regarded as the greatest moral and legal offense—a crime so severe that no statute of limitations can erase its pursuit. As Americans,

- We demand an explanation for every unnatural death.
- We hold funerals, erect monuments, and mourn those lost.
- We enshrine protections for the deceased, ensuring even a corpse is not desecrated.
- We allocate immense resources—detectives, forensic experts, legal teams—to bring killers to justice, no matter how long it takes.

Yet, within the state of Florida, there exists a singular law that stands apart from this universal reverence for life. Florida Statute §768.21(8) creates an island of indifference within an ocean of human concern. It tells a particular group of people—not criminals, not fugitives, but innocent survivors of medical negligence victims—that their loss does not matter.

Imagine for a moment a visitor from another world observing Earth, studying its laws and customs. That visitor would undoubtedly conclude that humans will stop at nothing to avenge and hold to account the person responsible for the wrongful taking of a life—except in one perplexing instance, and one geographical region: The state of Florida. When a person is killed not by malice, not by accident, but through undeniable and provable medical

negligence, the rules suddenly change. If the deceased is unmarried and without minor children, or is the adult child of an unmarried parent, the scales of justice do not tip—they are removed entirely.

- If a person is murdered, the law will pursue their killer for eternity.
- If a person is negligently killed by a drunk driver, the courts will demand accountability and restitution.
- If a person dies due to the proven negligence of a doctor, nurse, or other hospital staff, the law will shrug and say, *“There is nothing to be done.”*

It is an absurdity so profound that it defies logic.

The same government that will spend decades hunting a murderer will not spend a single day considering justice for a victim of medical negligence—if they happen to fall into the wrong legal category. The same society that enforces respect for the dead denies dignity to those who die at the hands of negligent medical providers.

What does this say about our laws? About justice? About the Legislature and the Courts?

Florida Statute §768.21(8) is not merely a bad law. It is an anomaly—a single, glaring contradiction in the otherwise universal and unwavering belief that human life is valuable and that every wrongful death deserves a reckoning. It has been a stain on the Florida Courts and Legislature for the past 35 years. It unravels centuries of legal tradition in a single stroke, carving out an exception so callous, cruel, and uncaring that it reads like a hideous joke codified in the body of law known as The Florida Statutes.

If all life is sacred, then no law that arbitrarily declares some lives legally unworthy of justice should exist. Yet, this statute does just that. It is not justice, and it is not reason. It is bureaucratic indifference masquerading as law.

The question is simple: How can a legal system that reveres the sanctity of life justify a law that ignores its wrongful loss?

For the past 35 years, there has been no remedy from the Legislature or the Courts—only silence. This is the same silence that greets every family who finds out that their loved one’s death is not worth the court’s time. It is also the same silence that will greet them on every birthday, every graduation,

every anniversary, every Thanksgiving, and every Christmas. It is a silence that is deafening.

The rest of the world may mourn their dead, seek justice for their lost loved ones, and punish those responsible. But in Florida, for those who fall under FS §768.21(8), there is no justice. There is only an empty space where justice once stood.